

H.R.1176

Secret Ballot Protection Act (Introduced in House)
HR 1176 IH

111th CONGRESS
1st Session
H. R. 1176

To amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

IN THE HOUSE OF REPRESENTATIVES

February 25, 2009

Mr. KLINE of Minnesota (for himself, Mr. PRICE of Georgia, Mr. MCKEON, Mr. LINDER, Mr. BROWN of South Carolina, Mr. BONNER, Mr. GOHMERT, Mr. WESTMORELAND, Mr. SESSIONS, Ms. FALLIN, Mr. HERGER, Mr. SHADEGG, Mr. BRADY of Texas, Mr. ALEXANDER, Mr. BURTON of Indiana, Mr. ISSA, Mr. LAMBORN, Mr. WILSON of South Carolina, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. JORDAN of Ohio, Mrs. MYRICK, Mr. FLEMING, Mrs. BLACKBURN, Mr. CONAWAY, Mr. MCHENRY, Mr. COLE, Mr. GOODLATTE, Mrs. BACHMANN, Mr. WAMP, Mr. BACHUS, Mr. NEUGEBAUER, Mr. ROONEY, Mr. HUNTER, Mr. FRANKS of Arizona, Mr. MARCHANT, Mr. LEE of New York, Mr. PITTS, Mr. BARTLETT, Mr. MCCAUL, Mr. BOEHNER, Mr. GINGREY of Georgia, Mr. PENCE, Mr. BROUN of Georgia, Mr. CHAFFETZ, Mr. HARPER, Mr. KINGSTON, Mr. CRENSHAW, Mr. COBLE, Mr. HELLER, Mr. BARRETT of South Carolina, Mr. MILLER of Florida, Mr. SAM JOHNSON of Texas, Mr. SMITH of Texas, Mr. SIMPSON, Mr. SOUDER, Mr. SMITH of Nebraska, Mrs. SCHMIDT, Mr. AKIN, Mr. SULLIVAN, Mr. HENSARLING, Mr. CULBERSON, Mr. BOUSTANY, Mr. PUTNAM, Mr. MANZULLO, Mr. FLAKE, Mr. MACK, Mr. MCCLINTOCK, Mrs. LUMMIS, Ms. FOXX, Mr. SCALISE, Mr. OLSON, Mr. BARTON of Texas, Mr. COFFMAN of Colorado, Mr. INGLIS, Mr. FORBES, Mr. GARY G. MILLER of California, Mr. CASSIDY, Mr. BOOZMAN, Mrs. MCMORRIS RODGERS, Mr. SCHOCK, Mr. CAMPBELL, Mr. CALVERT, Mr. LATTA, Ms. JENKINS, Mr. STEARNS, Mr. ROE of Tennessee, Mr. DANIEL E. LUNGREN of California, Mr. THOMPSON of Pennsylvania, Mr. CARTER, Mr. PAULSEN, Mr. POSEY, Mr. DEAL of Georgia, Mr. BUYER, Mr. THORNBERRY, Mr. LUCAS, Mr. TIBERI, Mr. SHUSTER, Mr. TIAHRT, Mr. UPTON, Mr. LATHAM, Mr. JONES, Mr. BILBRAY, and Mr. GARRETT of New Jersey) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Secret Ballot Protection Act'.

SEC. 2. FINDINGS.

Congress finds that--

(1) the right of employees under the National Labor Relations Act to choose whether to be represented by a labor organization by way of secret ballot election conducted by the National Labor Relations Board is among the most important protections afforded under Federal labor law;

(2) the right of employees to choose by secret ballot is the only method that ensures a choice free of coercion, intimidation, irregularity, or illegality; and

(3) the recognition of a labor organization by using a private agreement, rather than a secret ballot election overseen by the National Labor Relations Board, threatens the freedom of employees to choose whether to be represented by a labor organization, and severely limits the ability of the National Labor Relations Board to ensure the protection of workers.

SEC. 3. NATIONAL LABOR RELATIONS ACT.

(a) Recognition of Representative-

(1) IN GENERAL- Section 8(a)(2) of the National Labor Relations Act (29 U.S.C. 158(a)(2)) is amended by inserting before the colon the following: `or to recognize or bargain collectively with a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the National Labor Relations Board in accordance with section 9'.

(2) APPLICATION- The amendment made by subsection (a) shall not apply to collective bargaining relationships in which a labor organization with majority support was lawfully recognized before the date of the enactment of this Act.

(b) Election Required-

(1) IN GENERAL- Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)), as amended by subsection (c) of this section, is amended--

(A) by striking `and' at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting `; and'; and

(C) by adding at the end the following:

`(8) to cause or attempt to cause an employer to recognize or bargain collectively with a representative of a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the National Labor Relations Board in accordance with section 9.'.

(2) APPLICATION- The amendment made by paragraph (1) shall not apply to collective bargaining relationships that were recognized before the date of the enactment of this Act.

(c) Secret Ballot Election- Section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)), is amended--

(1) by inserting `(1)' after `(a)';

(2) by inserting after `designated or selected' the following: `by a secret ballot election conducted by the National Labor Relations Board in accordance with this section'; and

(3) by adding at the end the following:

`(2) The secret ballot election requirement of paragraph (1) shall not apply to collective bargaining relationships that were recognized before the date of the enactment of this Act.'.

SEC. 4. REGULATIONS.

Not later than 6 months after the date of the enactment of this Act the National Labor Relations Board shall review and revise all regulations promulgated before such date to implement the amendments made in this Act to the National Labor Relations Act.

